

ARKANSAS SUPREME COURT

No. CR 06-425

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered

May 11, 2006

DETRICK CROSTON
Petitioner

PRO SE MOTION FOR BELATED
APPEAL OF JUDGMENT [CIRCUIT
COURT OF FAULKNER COUNTY, CR
2004-1061, HON. MICHAEL A.
MAGGIO, JUDGE]

VS.

STATE OF ARKANSAS
Respondent

MOTION DISMISSED

PER CURIAM

On October 1, 2004, judgment was entered reflecting that petitioner Detrick Croston had been found guilty by a jury of aggravated robbery and sentenced as a habitual offender to a term of 180 months' imprisonment. The judgment further reflected that petitioner had been found guilty of theft of property, a misdemeanor, for which a fine of \$1,000.00 was imposed. No appeal was taken from the judgment, and petitioner, proceeding *pro se*, now seeks leave to proceed with a belated appeal.

Belated appeals in criminal cases are governed by Rule 2(e) of the Rules of Appellate Procedure--Criminal. The rule provides in pertinent part that "no motion for belated appeal shall be entertained by the Supreme Court unless application has been made to the Supreme Court within eighteen (18) months of the date of entry of judgment...." Petitioner first tendered the motion for belated appeal here on January 13, 2006, but he did not tender the certified partial record necessary to file the motion until April 19, 2006. The eighteen-month period to file a motion for belated appeal

in the instant case elapsed on April 1, 2006.

It is incumbent on a petitioner to file a record supporting the motion for belated appeal in a timely manner inasmuch as an untimely motion for belated appeal is subject to dismissal. *Hayes v. State*, 328 Ark. 95, 940 S.W.2d 886 (1997) (*per curiam*). As petitioner failed to file the motion within the period allowed by Ark. R. App. P.–Crim. 2(a), the motion is dismissed.

Motion dismissed.